

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

LEOBARDO ESQUIVEL,

Case No. 11-3135-PA

Plaintiff,

JUDGMENT

v.

JUAN FLORES and GREGORIO
RODRIGUEZ, individuals, G.M.R., INC., an
Oregon Corporation, dba SI CASA FLORES
MEXICAN CUISINE

Defendants.

This action was tried by a jury with the Honorable Owen M. Panner presiding from July 17, 2012 through July 20, 2012. The jury has rendered a verdict.

Pursuant to the jury verdict, Plaintiff prevailed on the first claim for relief (hostile work environment) against GMR, Inc. in the amount of \$25,000 in noneconomic damages. Plaintiff prevailed on the third claim for relief (battery) in the amount of \$75,000 in noneconomic

damages against Defendants Juan Flores and GMR, Inc.; an award of \$25,000 in punitive damages was also awarded against Defendant Juan Flores on that claim. Plaintiff prevailed on the fourth claim for relief (intentional infliction of emotional distress) in the amount of \$25,000 in noneconomic damages against Defendants Juan Flores and GMR, Inc.; an award of \$7,500 in punitive damages was also awarded against Defendant Juan Flores on that claim. Plaintiff prevailed on the fifth claim for relief (negligent supervision and retention) in the amount of \$75,000 in noneconomic damages against Defendants Gregorio Rodriguez and GMR, Inc.; an award of \$5,000 in punitive damages was also awarded against Defendant Gregorio Rodriguez in that claim.

Pursuant to the jury verdict, Defendant GMR, Inc. prevailed on the second claim for relief (retaliation) and on the punitive damages requests against Defendant GMR, Inc. included in the first, third, fourth, and fifth claims for relief.

Plaintiff is entitled to post judgment interest from the entry of judgment until paid, and Plaintiff is awarded his attorney fees on the first claim for relief, as well as reasonable costs and disbursements, to be decided by this Court pursuant to FRCP 54 D.

MONEY AWARD

1. Judgment Creditor:
Leobardo Esquivel
2. Judgment Creditor's Attorneys:
Craig A Crispin
Crispin Employment Lawyers
1834 SW 58th Ave Ste 200
Portland OR 97221-1455
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Robert C. Robertson
Attorney at Law
1175 East Main Street, Suite 1F
Medford, OR 97504
Tel. No. 541-772-3442
Fax No. 541-772-2390

3. Additional Judgment Creditor (ORS 31.735)

Criminal Injuries Compensation Account of the Department of Justice Crime Victims'
Assistance Section.

4. Judgment Debtors:

GMR, Inc.
1250 Biddle Road, Suite A
Medford, OR 97504

Gregorio Rodriguez
2991 Provincial St.
Medford, OR 97504

Juan Flores
2991 Provincial St.
Medford, OR 97504

5. Judgment Debtor's Attorneys:

Eric B. Mitton
Hornecker, Cowling, Hassen & Heysell, LLP
717 Murphy Rd.
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6. Amount of Judgment against Defendant GMR, Inc. solely:
\$25,000 in noneconomic damages.
7. Amount of Judgment against Defendant Juan Flores solely:
\$32,500 in punitive damages.
8. Amount of Judgment against Defendant Gregorio Rodriguez solely:
\$5,000 in punitive damages.
9. Amount of Judgment against Defendant GMR, Inc. and Juan Flores:
\$100,000 in noneconomic damages (joint and several liability).
10. Amount of Judgment against Defendant GMR, Inc. and Gregorio Rodriguez:
\$75,000 in noneconomic damages (joint and several liability).
11. Attorney Fees:
To be addressed by supplemental judgment pursuant to FRCP 54 D.
12. Post-Judgment Interest:
To be calculated pursuant to 28 USC §1961.

Dated this 13 day of Sept., 2012.


The Honorable Owen M. Panner
United States District Court Judge

Submitted by:

ERIC B. MITTON, OSB No. 065925
Of Attorneys for Defendants